

**Notice of Allowability**

Application No.

10/783,996

Applicant(s)

TABELING, JOSEPH W.

Examiner

Ryan Lepisto

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 07 January 2005.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☒ The drawings filed on 20 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**Brian Healy**  
**Primary Examiner**

## DETAILED ACTION

### *Allowable Subject Matter*

1. **Claims 1-32** are allowed.

The following is an examiner's statement of reasons for allowance:

With regard to **claims 1 and 14**:

These claims are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a cleaving device comprising a housing having an internal chamber and an elongated opening extending between an exterior end opening exterior of the housing and an inward end communicating with the internal chamber, the elongated opening having a longitudinal axis and being sized to receive an optical fiber to be cleaved, the elongated opening holding the fiber with a longitudinal axis of the fiber in general alignment with the longitudinal axis of the elongated opening and permitting the fiber to extend beyond the inward end of the elongated opening and into the internal chamber, a head mounted within the housing internal chamber adjacent to the inward end of the elongated opening, the head being reciprocally moveable inward and outward with the inward movement being along an inward travel path having a direction transverse to the longitudinal axis of the elongated opening and hence the longitudinal axis of the fiber when inserted into and extending through the elongated opening, the head having an inward facing fiber bending portion and an inward facing fiber cutting portion with the fiber bending portion extending inward beyond the fiber cutting portion to contact the fiber before the fiber cutting portion as the head moves along the inward travel path, the fiber bending portion being located

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spaced apart from the inward end of the elongated opening along the longitudinal axis of the elongated opening, and the fiber cutting portion being located between the fiber bending portion and the inward end of the elongated opening along the longitudinal axis of the elongated opening, and adjacent to the inward end of the elongated opening, the head being movable along the inward travel path for cleaving of the fiber from an initial position whereat the head permits the fiber to be inserted into the elongated opening and extend through and beyond the inward end of the elongated opening and into the internal chamber with the fiber bending and fiber cutting portions of the head out of contact with the fiber, through a first portion of the inward travel path and then through a second portion of the inward travel path to accomplish cleaving of the fiber, to a final position whereat the fiber is cleaved and the head can be returned to the initial position, the fiber bending portion of the head extending sufficiently inward beyond the fiber cutting portion of the head such that during the first travel portion the fiber bending portion contacts and bends the fiber to induce tension in the fiber with the fiber cutting portion remaining out of contact with the fiber, and the fiber cutting portion of the head extending inward less than the fiber bending portion such that during the second travel portion the fiber cutting portion contacts and at least partially cuts the fiber while the fiber bending portion of the head continues to contact and increase the bend of the fiber to cause separation of a cut end of the fiber as the head is moved toward the final position, an actuation member having a user operable portion positioned exterior of the housing for application of an inward force thereto and an engagement portion positioned to engage the head and apply the inward force to the head to move the head along the

inward travel path from the initial position to the final position, and a return member arranged to apply an outward force to the head to move the head outward along an outward travel path between the final position and the initial position when the inward force on the head is sufficiently removed, whereby after insertion of an optical fiber through the elongated opening and into the internal chamber, the head is moved along the inward travel path by applying the inward force on the user operable portion of the actuation member to sequentially bend, and then cut and further bend the fiber to cleave off the cut end of the fiber, in combination with the rest of the claimed limitations.

With regard to **claims 1-13 and 15-32**:

These claims are allowable over the prior art of record because they depend on allowable claims 1 and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

2. The terminal disclaimer filed on 07 January 2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US patent 6,695,191 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Reid et al (WO 91/03750) teaches a fiber cleaver is an actuator for cleaving the fiber.
- Grois et al (US 5,063,672) teaches a hand held cleaver.
- Edwards et al (US 5,301,868) teaches a scribe and break tool with a spring actuator and fiber holder.
- Tabeling (US 6,688,207 B2) teaches a duel blade cleaver.
- Itano et al (US 2004/0099121 A1) teaches a fiber cleaver with an actuator that moves a cutting surface that bends and scores a fiber.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan Lepisto

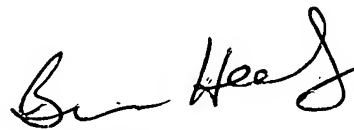
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Date: 2/3/05

Frank Font

Supervisory Patent Examiner

Technology Center 2800



Brian Healy  
Primary Examiner